



Permanency for Children: Introduction Practice Bulletin August 2008



PERMANENCE IS A FUNDAMENTAL REQUIREMENT FOR HEALTHY DEVELOPMENT OF A CHILD

Assuring that children are safe is the first critical part of our job. We also must assure that they have stability and permanence in their living situations as well as continuity of family relationships. More than ever before in the history of child welfare practice, the emphasis is on maintaining or creating permanent relationships and connections between children or youth, and caring adults; permanent relationships that are life-long.

This practice bulletin is the introduction and first in a series promoting practices that supports the key permanency issues for children:

- ☐ Keeping children safe at home and preventing removal;
- ☐ Returning children home safely and permanently once they have entered foster care;
- ☐ Keeping placements stable so that permanence can be achieved;
- ☐ Guardianship as a viable permanency option for children;
- ☐ Achieving and maintaining adoptions for children;
- ☐ Making another planned permanent living arrangement "permanent" for children; and
- ☐ Permanency for Teens.

PERMANENCY is not only a permanent place to call home, but also includes life long relationships with people who care about a child or youth.

Expectations:

DHS Case reading data shows that of 3,201 children reviewed in 2007, 69% had permanency and stability in their living situation and 89% had continuity of family relationships and connections preserved.

Compiled by the Child and Family Services Division, Iowa Department of Human Services

The CFSR has two permanency outcomes with sixteen indicators used to determine substantial conformity.

Permanency Outcome 1: Children have permanency and stability in their living situations.

- ☐ Foster care re-entries (Item 5)
- ☐ Stability of foster care placement (Item 6)
- ☐ Permanency goal for child (Item 7)
- ☐ Reunification, guardianship, or permanent placement with relatives (Item 8)
- ☐ Adoption (Item 9)
- ☐ Other planned permanent living arrangement (Item 10)
- ☐ Timeliness and permanency of reunifications (Permanency Composite 1)
- ☐ Timeliness of adoptions (Permanency Composite 2)
- ☐ Achieving permanency for children in foster care (Permanency Composite 3)
- ☐ Placement stability (Permanency Composite 4)

Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.

- ☐ Proximity of foster care placement (Item 11)
- ☐ Placement with siblings (Item 12)
- ☐ Visiting with parents and siblings in foster care (Item 13)
- ☐ Preserving connections (Item 14)
- ☐ Relative placement (Item 15)
- ☐ Relationship of child in care with parents (Item 16)

The expectation is that an appropriate permanency goal is selected, that matches the child's needs and circumstances, at each point in the life of the case.

Permanency offers children the protection of legally defined relationships.

It is also an expectation that goals are established at the right time in the life of the case. At the initiation of a case,



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an appropriate goal must be established in the first case plan. When circumstances warrant a change in goal, the goal must be changed in a timely manner. For example, in a case where there are aggravated circumstances, an initial goal of adoption may be appropriate and timely; in a case where prognosis for reunification is poor, concurrent goals of reunification and permanent placement with a relative may be appropriate and timely.

In addition, it is an expectation that concerted efforts are made to achieve the established goal within timeframes.

There are specific timeframes established by the CFSR for achieving timely permanence:

Reunification, guardianship, or permanent placement with relatives	12 months from foster care entry
Adoption	24 months from foster care entry

There are also ASFA timeframes measured by the CFSR:

Aggravated circumstances	Requires expedited permanency
"15 of 22"	Requires TPR unless there are compelling reasons

Another planned permanent living arrangement must be a "permanent" living arrangement with a foster parent or relative caregiver and there must be a written commitment on the part of all parties involved or an order of the court, with the expectation that the child remain in that placement until he or she reaches the age of majority. Examples of "permanent" living arrangements include situations where foster parents have made a formal written commitment to care for the child until adulthood or the child is with relatives who plan to care for the child until adulthood, or the child is appropriately placed in agency-supervised transitional living and is expected to successfully transition to adulthood.

There are special circumstances where a child will need lifelong care in a long-term care facility to meet special needs and will be transferred to an adult facility at the appropriate time. In those cases, when the child is an older adolescent in a stable group home and both the group home directors and the child have agreed that it will be the child's placement until adulthood, then this can be considered another planned permanent living arrangement.

ASFA requirements are measured by the CFSR and impact the permanency goal or actions to achieve permanency for children. For example, **Aggravated Circumstances** is a legal means for expediting permanency when there has been clear evidence, based on the behavior of the parent, that termination of parental rights is in the best interest of the child without having to make reasonable efforts to reunify. When any of the conditions below exist, offer evidence to the county attorney to present to the court to justify a finding of "aggravated circumstances." Presentation of this evidence in reports and testimony will provide specific information for judges to include in reasonable effort findings in their court orders.

Situations that qualify as "aggravated circumstances" and may furnish grounds for a judge to waive efforts to reunify the child with the parents include the following:

- ☐ The parent has abandoned the child.
- ☐ The parent has been convicted of:
 - A felony assault that resulted in serious bodily injury to the child or a sibling; or
 - The murder or voluntary manslaughter of the child's sibling; or
 - Aiding or abetting, attempting, conspiring in, or soliciting the commission of the murder or voluntary manslaughter of the child's sibling.
- ☐ The parent's parental rights have been terminated for another child in the same family in Iowa or in another state, and there is clear and convincing evidence that the offer or receipt of services would not be likely to correct the conditions that led to the child's removal.
- ☐ The child meets the definition of a child in need of assistance based on a finding of physical or sexual abuse or neglect as a result of the acts or omissions of one or both parents, and there is clear and convincing evidence that both:
 - The abuse or neglect posed a significant risk to the child's life or constituted imminent danger to the child, and
 - The offer or receipt of services would not correct the condition that led to the child's abuse or neglect within a reasonable period.

"15 of 22" is an ASFA term that refers to the length of time a child is in foster care. When a child has been in foster care under the responsibility of the state for 15 of the most recent 22 months, ASFA requires the Department to initiate the process to file a petition to terminate parental



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rights. The petition must be filed by the end of the child's fifteenth month in foster care, unless:

- The child is placed with a relative, or
- There is a **compelling reason** that it is not in the best interest of the child, or
- The Department has not provided services identified in the case plan necessary for the safe return of the child, and the court grants a limited extension.

The term “**compelling reasons**” is used in two different provisions in ASFA:

- The Department may determine it has a **compelling reason** not to file a termination petition when the child has been in care for 15 of the last 22 months.
- The court may determine at a permanency hearing that there is a **compelling reason** that reunification, adoption, guardianship, and relative placement are not in the child's best interests. If the court makes such a finding, it may order another planned permanent living arrangement for the child.

“Compelling reasons” not to provide a child with the highest level of permanency available must be convincing and forceful. A compelling reason must be supported with very strong, case-specific facts and evidence which includes justification for the decisions and reasons why all other more permanent options for a child are not reasonable, appropriate or possible. “Compelling reasons” not to file a termination petition must be considered on a case by-case basis in relation to the individual circumstances of the child and family. The state may not identify a specific category of children who are excluded from one or more permanency options. For example, the Department cannot categorically exclude delinquents from being considered for adoption.

Research¹:

Permanency for children is critical to positive child and family outcomes and to our success in helping families. Research indicates that a child must have a relationship with at least one adult who is nurturing, protective, and fosters trust and security over time to become a psychologically healthy human being. We also know that children need consistency in having their needs met over time to develop, learn and grow. Connection with an adult who is devoted to and unconditionally loves a child is key to helping a child overcome the trauma of abuse and neglect. Stability of relationships is important because when the day to day

consistency of caregiving is lost, it directly impacts a child's ability to trust, love and cope. Repeated moves of a child compound the adverse consequences of abuse and neglect. Safety and permanency in children's lives are a prerequisite of growth, development, and successful well-being.

In addition to practice, there are systems issues that impact permanency for children. Research indicates that timely court hearings and reviews promote timely permanency. Research demonstrates that worker turnover negatively impacts permanency for children. Research suggests that caseworkers who have social work education and greater experience are better able to facilitate permanency. Literature also identifies that flexible funding can lead to greater rates of reunification. Flexible funding and collaboration with community agencies to form more efficient service networks have the potential to affect reunification efforts positively by making more formal and informal resources available to families.

Research and literature for each upcoming permanency practice bulletin will identify evidence based practices that promote the range of permanency goals for children.

Why is achieving permanency such a challenge?

Permanence must be built on a foundation of good practice. Permanency is directly related to key practices and numerous case decisions over the life of the case. Lack of quality or care in **any** of the following areas of practice can result in absence of permanence for a child or significant delays in permanency:

- Comprehensive assessment of children and their needs;
- Family team understanding of the child's needs and viable permanency options;
- Family team collaborative teamwork, communication, and monitoring/tracking of progress toward achieving permanency;
- Child and family engagement and shared decision making;
- Case planning, timely permanency decisions, and effectiveness of strategies to achieve permanency;
- Timely court reviews and meaningful permanency hearings;
- Maintaining a stable, nurturing, and permanent placement;
- Transition planning for safe case closure; and
- Ongoing informal or community supports to maintain family change and/or provide ongoing support to meet the needs of the child.

¹ “Achieving Permanence for Children in the Child Welfare System: Pioneering Possibilities Amidst Daunting Challenges.” Lorrie L. Lutz
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The expectations are very high and the required timeframes are very short to complete the sequence of tasks required for permanency. There needs to be a prolonged focus on permanence from our first meeting with the family and a sense of urgency. Without a sense of urgency, completion of the necessary decisions and the multitude of tasks cannot be timely. This is a challenge in a system which has traditionally focused on short-term interventions and sequential planning. To achieve permanency, it is necessary to:

- Assess the long-term needs of the child and focus on safe case closure.
- Provide coordination with the court and service providers; and
- Constantly reassess progress to permanency.

Practice Tips

- Always keep in mind the needs of children for a permanent home and relationships. Plan with a sense of urgency! It is important that permanency planning occur early in all foster care cases.
- Build trust, be transparent and always involve **both** parents in identifying permanency goals. Share with them the required timelines and promote their ownership of assuring their child has a permanent home, whether it is safe return home or another permanent home. Involve the caregivers in determining and promoting the permanency goal continuously.
- Every time you pick up a case assess the level of permanence and progress to achieve permanence for a child. Unless permanency has been achieved, there is no time in the life of the case that we should not be focusing on permanency for a child.
- Help children understand permanency; if they have it and **why** they would want it. From ELEVATE youth we have learned that if you ask children, they have very specific ideas about who loves them and where they might grow up.
- Use concurrent planning to expedite permanency. Make the first placement the best placement and a permanent placement if the child cannot safely return home.
- ASFA guidelines are based on an outside time limit, nothing prevents earlier petitions to terminate parental rights if reasonable efforts for reunification have been made and there are grounds for termination.
- Remember to consider the Long-term view for the child. The need for permanency does not end at age 18. Successful transition to adulthood requires connections with supportive and trusted advisors. A Permanency Pact can formalize relationships and responsibilities to

support a child after foster care:

<http://www.fosterclub.com/pdfs/PermPact.pdf>

- Use a permanency checklist to monitor the quality of permanence for a child.

Permanency Checklist	Yes	No
<p>Is there a good foundation of practice in this case? If not, have I identified how that will impact permanency for this child?</p> <ul style="list-style-type: none"> □ Comprehensive assessment of children and their needs; □ Family team understanding of the child's needs and viable permanency options; □ Family team collaborative teamwork, communication, and monitoring/tracking of progress toward achieving permanency; □ Child and family engagement and shared decision making; □ Case planning, timely permanency decisions, and effectiveness of strategies to achieve permanency; □ Timely court reviews and meaningful permanency hearings; □ Maintaining a stable, nurturing, and permanent placement; □ Transition planning for safe case closure; and □ Ongoing informal or community supports to maintain family change and/or provide ongoing support to meet the needs of the child. 		
<p>APPROPRIATE: Is this the most appropriate, most permanent option for this child? Does the goal match the needs and circumstances in the child's life right now? Have I clearly documented my justification for the permanency goal?</p>		
<p>TIMELY: Is a goal established in the first case plan? Is the goal current? Is the goal ahead of or at least on track with ASFA timelines? If not, what are the barriers and what are strategies to overcome those barriers?</p>		
<p>CONNECTIONS PRESERVED:</p> <ul style="list-style-type: none"> □ Is the child's placement close to home to promote reunification? □ Is the child placed with siblings? □ Does the child visit with parents and siblings in foster care? □ Have ICWA inquiry and guidelines been completed? □ Have the child's connections been preserved with their friends, school, church, neighbor hood, community, and Tribe? □ Has a diligent search for family and kin of both parents been completed? Is the child currently placed with a relative? □ Are concerted efforts being made to promote the relationship of child in care with parents? 		